

To: Smith, Bonnie[smith.bonnie@epa.gov]; Heron, Donna[Heron.Donna@epa.gov]
From: duteau, helen
Sent: Mon 1/13/2014 2:19:32 PM
Subject: FW: who @ EPA is handling the elk river spill?

fyi

From: Armstead, John A.
Sent: Monday, January 13, 2014 9:19 AM
To: Garvin, Shawn; Hodgkiss, Kathy; Early, William; Melvin, Karen; Wright, Dave; Mulkey, Marcia; Isales, Lydia
Cc: duteau, helen; White, Terri-A; D'Andrea, Michael; Ryan, Daniel; Libertz, Catherine
Subject: RE: who @ EPA is handling the elk river spill?

Our review of the facility yielded the following: Freedom Industries was used as a bulk fuel storage facility by Pennzoil Quaker State (WVD055573745) up until 2002 when they ceased generating hazardous waste and closed. There is a note that the facility was sold to a company called POCA Blending, but there is no further information.

As noted in the Hot sites report, it appears that the spill was a product spill, and not a spill of hazardous (or even non-hazardous) waste; if so, the storage of this material is not regulated by RCRA. We are confirming this with some calls out to people who would know for sure, so this information is preliminary. However, searching on the two ID numbers which have been provided, it does not look as if this facility generates very much hazardous waste, which would also suggest that a spill of this size would not have been a waste spill.

Product storage is covered (in some circumstances) under the SPCC and CAA 112R programs.

We'll forward additional information as I get it.

John A. Armstead, Director

Land and Chemicals Division (3LC00)

215-814-3100 (o)

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From: Garvin, Shawn

Sent: Sunday, January 12, 2014 9:04 PM

To: Hodgkiss, Kathy; Early, William; Melvin, Karen; Wright, Dave; Mulkey, Marcia; Isales, Lydia; Armstead, John A.

Cc: duteau, helen; White, Terri-A; D'Andrea, Michael; Ryan, Daniel

Subject: Re: who @ EPA is handling the elk river spill?

Kathy - Thx. We recognized that the questions were more than what we could turn around in an hour. HQ told the reporter we would get back to them tomorrow. However, all of these questions go to the heart of what we have been discussing this weekend and need to piece together tomorrow.

Thanks - Shawn

From: Hodgkiss, Kathy

Sent: Sunday, January 12, 2014 8:44:00 PM

To: Garvin, Shawn; Early, William; Melvin, Karen; Wright, Dave; Mulkey, Marcia; Isales, Lydia; Armstead, John A.

Cc: duteau, helen; White, Terri-A; D'Andrea, Michael; Ryan, Daniel

Subject: Re: who @ EPA is handling the elk river spill?

Sorry, Shawn -- I've been playing tennis since 5:10pm or so. Just picking this up now. Missed 6:30 deadline -- we can follow up tomorrow if info is still needed. I think the questions may be RCRA storage related so I will forward to John A. Kathy

From: Garvin, Shawn

Sent: Sunday, January 12, 2014 6:24:47 PM

To: Early, William; Hodgkiss, Kathy; Melvin, Karen; Wright, Dave; Mulkey, Marcia; Isales, Lydia

Cc: duteau, helen; White, Terri-A; D'Andrea, Michael; Ryan, Daniel

Subject: Re: who @ EPA is handling the elk river spill?

Do we have anything I can pass along to Alisha? Thx

From: Garvin, Shawn
Sent: Sunday, January 12, 2014 5:58:43 PM
To: Early, William; Hodgkiss, Kathy; Melvin, Karen; Wright, Dave; Mulkey, Marcia; Isales, Lydia
Cc: duteau, helen; White, Terri-A; D'Andrea, Michael; Ryan, Daniel
Subject: Re: who @ EPA is handling the elk river spill?

Understood. Let's answer what we can, and part of our answer can be that we need more info.

From: Early, William
Sent: Sunday, January 12, 2014 5:55:13 PM
To: Garvin, Shawn; Hodgkiss, Kathy; Melvin, Karen; Wright, Dave; Mulkey, Marcia; Isales, Lydia
Cc: duteau, helen; White, Terri-A; D'Andrea, Michael; Ryan, Daniel
Subject: Re: who @ EPA is handling the elk river spill?

Will try, but not sure we have enough info about the facility and state and fed regs to respond in the time we have,

From: Garvin, Shawn
Sent: Sunday, January 12, 2014 5:27:35 PM
To: Hodgkiss, Kathy; Early, William; Melvin, Karen; Wright, Dave; Mulkey, Marcia; Isales, Lydia
Cc: duteau, helen; White, Terri-A; D'Andrea, Michael; Ryan, Daniel
Subject: Fw: who @ EPA is handling the elk river spill?

Bill, Kathy, Lydia, et al. - Can you take a quick look at the NY Times questions below and see if we can find some quick insight for me to get back to HQ.

Thanks - Shawn

From: Johnson, Alisha
Sent: Sunday, January 12, 2014 5:21:28 PM
To: Stanislaus, Mathy; Garvin, Shawn
Cc: Hull, George; Davis, Alison
Subject: Fw: who @ EPA is handling the elk river spill?

Shawn and Mathy,

Our NY Times reporter is filing a story tonight on WV's regs. Her questions are in the email chain below. I think we can probably address her first question, but I'm not sure we have enough context for the second. Unfortunately, she is filing at 6:30 p.m. Is there anything that we can give her?

Let me know if there are others that should be on this chain.

From: Davenport, Coral <coral.davenport@nytimes.com>

Sent: Sunday, January 12, 2014 5:04:14 PM

To: Johnson, Alisha

Subject: Re: who @ EPA is handling the elk river spill?

I'm trying to write about the context that WVA has had a troubled history on complying with enviro regs., and often has looser regs than other states.

More specifically, I'm trying to track down two in-the-weeds but key details. I'm noting that the facility where the chemical was stored was not subject to EPA inspection because it was exempt for being a *storage*, rather than *production* facility. I'm trying to find out if that is a state, rather than fed. rule, and if so, do other states have different rules?

Also I'm told that under federal law, the facility should have had a berm, but it did not. So is that a violation?

I know this is in the weeds, but if someone who's familiar with this context and these particular regs could help, I'd be incredibly grateful. I need to file by 6:30 at the absolute latest.

On Sun, Jan 12, 2014 at 4:46 PM, Johnson, Alisha <Johnson.Alisha@epa.gov> wrote:

Hey there,
Happy to help. What are you looking into specifically?

From: Davenport, Coral <coral.davenport@nytimes.com>
Sent: Sunday, January 12, 2014 4:05:46 PM
To: Johnson, Alisha; Reynolds, Thomas
Subject: who @ EPA is handling the elk river spill?

Am parachuting in...

--

Coral Davenport

Energy and Environment Correspondent

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Ex. 6 - Personal Privacy

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